



DATE: April 9, 2014

TO: Washington State Board of Health Members

FROM: Keith Grellner, SBOH Environmental Health Committee Chair

SUBJECT: PETITION FOR RULE MAKING – CHAPTER 246-291 WAC,
GROUP B PUBLIC WATER SYSTEMS

Background and Summary:

The State Board of Health has responsibility under RCW 43.20.050(2)(b) to adopt rules to protect public health regarding Group B water systems, at a minimum establishing requirements for the initial design and construction of those systems. The Board adopted major revisions to these rules, chapter 246-291 WAC, in October 2012. These rules apply to public drinking water systems serving fewer than 15 connections and 25 people per day.

During the 2009 legislative session, the Department's budget for Group B water system oversight was eliminated and the Board's authority for rulemaking was amended to emphasize design standards. The Board's rule revision in 2012 reflects these legislative changes and the lack of resources for the Department to do routine monitoring of Group B systems or consider waivers of rule requirements. However, the rule revision includes specific authority for local boards of health to adopt more stringent local rules or assume primary regulatory authority for Group B systems that would allow them to grant waivers. If a waiver is granted under such local board of health authority for a water source that needs treatment to meet a primary Maximum Contaminant Level (MCL), the rules require monitoring provisions be put in place to protect public health.

In February-March 2014, the Board received requests from Representatives Kretz and Short; the NE Tri-County Health District; and Stevens County, Pend Oreille County, and Okanogan County Commissioners to revise the Group B rules to allow the Department to approve treatment of water sources that exceed MCLs. Such a rule change was also a goal of HB 2620 introduced during the 2014 session by the two legislators. The Board considers the letters requesting a rule change to constitute a petition for rule making according to RCW 34.05.330. Upon receipt of such a petition, the Board has sixty days to initiate rule making, deny the petition, or address concerns raised by the petitioner(s) by alternate means.

Scott Torpie, Office of Drinking Water, is here today to explain the Department's recommendations to the Board about whether to open rule making. Please see materials behind Tab 04 of your packets for his presentation, the letters requesting a rule change, a copy of the existing rules, and a copy of HB 2620.

Recommended Board Action:

The Board may choose to consider or modify the following motion:

The Board (denies / agrees with) the petitions to open rule-making to consider revising chapter 246-291 WAC to allow the Department of Health to grant waivers for water sources needing treatment to meet the primary MCLs.

Staff Contact:

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